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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Miriam MAWLE et al. Art Unit : 3714
Serial No. : 09/556,839 Examiner : Alex P. Rada
Filed : April 21, 2000
Title : TOY FIGURE FOR USE WITH MULTIPLE, DIFFERENT GAME SYSTEMS

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF APRIL 29, 2005

In reply to the Office Action of April 29, 2005, Applicant submits the following remarks.

Claims 1-44 are pending with claims 1, 34, 41, and 43 being independent. Applicant thanks the Examiner for the indication that claims 1-40 are allowable.

Claims 1-40 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,773,325.

Applicant respectfully submits that the Terminal Disclaimer filed with this Reply pursuant to 37 CFR 3.73(b) and 37 CFR 1.321(c) is sufficient to overcome this rejection of claims 1-40, and, accordingly, requests withdrawal of this rejection. Since no other rejection has been issued with respect to claims 1-40, applicant submits that these claims are now in condition for allowance, and such action is respectfully requested in the Examiner's next official communication.

Claims 41-44 have been rejected under 35 U.S.C. §112, first paragraph, and the Examiner has requested that applicant provide additional support from the specification for the limitations "a controller configured to communicate with the toy, access the information relating to the toy" and a "game system configured to communicate with the toy figure, access the information relating to the toy figure." Applicant directs the Examiner to the following passages from the originally-filed specification: page 5, lines 24-29; page 17, line 30 to page 18, line 1; and page 19, line 27 to page 20, line 10. These passages describe access of information relating to the toy. In view of this additional support, applicant requests withdrawal of the rejection of claim 41-44. Since no other rejection has been issued with respect to claims 41-44, applicant submits that